

1
2
3
4
5
6
7 **UNITED STATES BANKRUPTCY COURT**
8 **SOUTHERN DISTRICT OF NEW YORK**

9 _____)
10 In re:)

11 CHRYSLER, LLC)
12 Debtor,)

Case No. 09-50002

REJECTED DEALERS' MOTION
FOR RECONSIDERATION OF
THE JUNE 9, 2009 REJECTION
ORDER AND THE JUNE 19, 2009
REJECTION OPINION

13)
14)
15)
16 **MOTION**

17 COMES NOW, Island Jeep Incorporated (#26272), Scotia Motors Inc. (#54885),
18 Golden Motors (#68423), John Hine Pontiac (#68445), Pen Motors Inc. (#26517), West
19 End Garage (#6948), Mauro Motors, Inc. (#5977), Bollinger's, Inc. (#25078), Brother's
20 Motors Inc. (#68771), St Pete Jeep Chrysler (#26318), Rallye Auto Plaza Inc. (#44078),
21 Neil Huffman Incorporated (#68107 & #43947), Bill Spurlock Dodge, Inc. (#43024),
22 Rock of Texas Automotive Inc. (#60020), South Holland Dodge (#43020), Pride
23

24
25 REJECTED DEALERS' MOTION FOR RECONSIDERATION OF THE JUNE 9,
26 2009 REJECTION ORDER AND THE JUNE 19, 2009 REJECTION OPINION - 1

PIDGEEON & DONOFRIO GP
3002 Colby Avenue, Suite 306
Everett, Washington 98201
(425)605-4774

1 Chrysler Jeep (#67773), Thomas Dodge Corp (#44098), Taylor-Parker Motor Company
2 (#67959), Evansville Chrysler Inc. (#66101), and Alley's of Kingsport, Inc., (#42002),
3 (hereafter, the "Movants") by and through counsel Stephen Pidgeon and Leo C. Donofrio of
4 Pidgeon & Donofrio GP, and move this court to reconsider its ORDER, PURSUANT TO
5 SECTIONS 105 AND 365 OF THE BANKRUPTCY CODE AND BANKRUPTCY
6 RULE 6006, (A) AUTHORIZING THE REJECTION OF EXECUTORY CONTRACTS
7 AND UNEXPIRED LEASES WITH CERTAIN DOMESTIC DEALERS AND (B)
8 GRANTING CERTAIN RELATED RELIEF (hereafter, the "Rejection Order") and the
9 court's OPINION REGARDING AUTHORIZATION OF REJECTION OF ALL
10 EXECUTORY CONTRACTS AND UNEXPIRED LEASES WITH CERTAIN
11 DOMESTIC DEALERS AND GRANTING CERTAIN RELATED RELIEF (hereafter,
12 the "Rejection Opinion").
13
14

15 **RELIEF REQUESTED**

16 Movants seek an Order in the form attached hereto:

17 (A) Vacating the June 9, 2009 Rejection Order and Claims Bar Date therein;

18 (B) Vacating the June 19, 2009 Rejection Opinion;

19 (C) Ordering Old Chrysler to retroactively assume rejected dealers' contracts;

20 (D) approving *Nunc Pro Tunc* an implied Statutory Assumption of the rejected
21 dealers' contracts by Old Chrysler;
22
23
24

25 REJECTED DEALERS' MOTION FOR RECONSIDERATION OF THE JUNE 9,
26 2009 REJECTION ORDER AND THE JUNE 19, 2009 REJECTION OPINION - 2

PIDGEOON & DONOFRIO GP
3002 Colby Avenue, Suite 306
Everett, Washington 98201
(425)605-4774

- 1 (E) Ordering that Movants' claims are priority administrative claims;
2 (F) reversing payment to priority lien holders;
3 (G) ordering payment of damages to Movants as priority lien holders; and
4 (H) ordering an evidentiary hearing to establish the damages of Movants,
5

6 **EVIDENCE UPON WHICH MOVANTS RELY**

7 Movants rely upon the following evidence within the court record:

- 8 1. The statements of counsel and the evidence adduced with respect to the
9 Motion, including at hearings before the Court on May 27, 2009, May 28 2009, May 29,
10 2009, June 4, 2009 and June 9, 2009 (collectively, the "Hearings").
11 2. The deposition of James Press which was designated into the record.
12 3. The Debtor's Omnibus Motion of May 14, 2009 For Authorization To Reject
13 Executory Contracts Of Certain Domestic Dealers.
14 4. This Court's Rejection Order Dated June 9, 2009.
15 5. This Court's Rejection Opinion dated June 19, 2009
16 6. This Court's Sale Order Dated June 1, 2009.
17 7. This Court's Sale Opinion Dated May 31, 2009.
18 8. Movant's Memorandum of Law Dated December 25, 2009.
19 9. The remainder of the files and records docketed in respect of this action.
20 10. The Master Transaction Agreement dated April 30, 2009.
21
22
23
24

25 REJECTED DEALERS' MOTION FOR RECONSIDERATION OF THE JUNE 9,
26 2009 REJECTION ORDER AND THE JUNE 19, 2009 REJECTION OPINION - 3

PIDGEEON & DONOFRIO GP
3002 Colby Avenue, Suite 306
Everett, Washington 98201
(425)605-4774

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

POINTS AND AUTHORITIES

See Memorandum in Support of the Rejected Dealers’ Motion for
Reconsideration of the June 9, 2009 Rejection Order and the June 19, 2009 Rejection
Opinion.

PROPOSED ORDER

An Order (proposed) accompanies this motion.
Respectfully submitted this 25th day of December, 2009.

STEPHEN PIDGEON, WSBA#25265
LEO C. DONOFRIO, NJBA # 00440-1991
Attorneys For Certain Affected Dealers
3002 Colby Avenue, Suite 306
Everett, Washington 98201
(425)605-4774